IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7944 OF 2004

Shamrao Sadashiv Kharat & Ors. .. Petitioners.
Vs.
The Tahasildar, Wai & Ors. .. Respondents.

Mr.Uday Warunjikar for the petitioners.
Mr.A.H.Palekar AGP for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2004

P.C.:

. Heard Mr.Warunjikar, learned counsel for the petitioners and Mr.Palekar, learned counsel for respondent nos.1 to 3.

2. The petitioners have impugned the concurrent findings recorded by the courts below in the application - Exhibit-5 by which the said application has been rejected. The petitioners are seeking injunction against the respondents-defendants, restraining them from allotting the plots in dispute and directions to maintain status quo till the disposal of the suit. I perused the judgment and orders of the courts below. It is clear from the findings recorded by

the courts below that the plots in question have already been auctioned and the auction purchasers have paid the price and taken possession thereof in October 2003 itself. It appears that the petitioners have already approached the concerned authority under section 207 of the Maharashtra Land Revenue seeking appropriate reliefs against the Government and auction purchasers in respect of the plots in question. In so far as access to the main road is concerned, there is a finding recorded by the courts below that the petitioners have access to the main road apart from the land in dispute. Considering the concurrent findings recorded by the courts below and well settled position in law that this court is not expected to reassess the material and seek to reach the conclusion different from the one reached by the courts below, if one reached by the courts below was reasonably possible on the material. From perusal of the impugned judgments and other material it cannot be said that the conclusion arrived at by the courts below is not possible. No interference is called for at the instance of the petitioners in the order impugned in the petition. The petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)